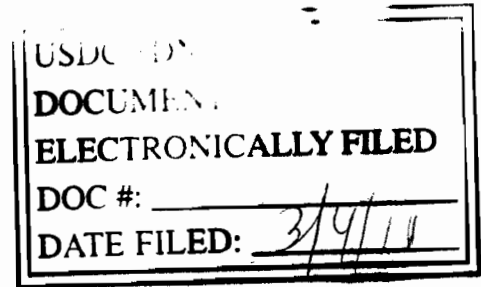




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007



MICHAEL A. CARDOZO
Corporation Counsel

RYAN G. SHAFFER
Assistant Corporation Counsel
E-mail: rshaffer@law.nyc.gov
Phone: (212) 788-1041
Fax: (212) 788-9776

March 4, 2011

BY FAX (212) 805-4268

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Alvin Peterson v. City of New York et al., 10 Civ. 1692 (JSR)(GWG)
~~Alvin Peterson v. City of New York et al., 10 Civ. 1691 (SAS)(DF)~~

Your Honor:

I am the Assistant Corporation Counsel representing the defendants in the above-referenced matters. I write to respectfully request that the Court extend the deadline to complete discovery in this matter from March 21, 2011, until April 15, 2011 as well as a similar 30 day adjustment of all remaining deadlines set forth in the Court's scheduling order. Defendants also respectfully request that defendants be permitted to consolidate plaintiff's deposition. I have conferred with plaintiff who is proceeding pro se and he consents to this request.

There are several reasons for seeking this request. By way of background plaintiff filed the instant actions on or about March 3, 2010, alleging inter alia that he was falsely arrested for engaging in two separate drug transactions on January 21, 2007 and July 15, 2008. Both incidents occurred at the same exact location. Thereafter Your Honor directed that all discovery under docket number 10 Civ. 1692 be completed by February 17, 2011, and subsequently extended that deadline until March 21, 2011 due to a death in my family.

The other matter is pending before the Honorable Shira A. Scheindlin. See Alvin Peterson v. City of New York et al., 10 Civ. 1691 (SAS)(DF). In that case, discovery is set to be completed by May 20, 2011. Additionally, that matter is referred to Magistrate Judge Freeman for settlement purposes and a settlement conference is scheduled to take place on April 5, 2011. The parties believe that it would be best to attempt to reach a global settlement of both

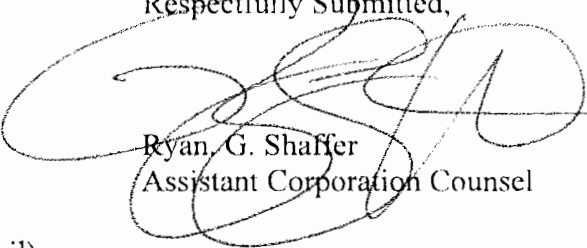
matters with the assistance of Magistrate Judge Freeman. Therefore, the parties respectfully request that the discovery deadline in this action be extended to April 15, 2011¹, in order for the parties to attempt to resolve these matters via settlement at the April 5, 2011 conference. In the event that a settlement cannot be reached, the requested extension will afford defendants the opportunity to conduct plaintiff's deposition which we have already tentatively scheduled for April 6, 2011. (1)

Additionally, because these cases involve similar but separate incidents and for the Court and plaintiff's convenience defendants seek leave to conduct one deposition of plaintiff. Defendants are hopeful that they can question plaintiff regarding both matters in a single day. However, should it be necessary to extend plaintiff's deposition for a second day, defendants request the Court's permission to do so.) 2

Should Your Honor be inclined to grant these requests, plaintiff will not be prejudiced in any way. In fact, defendants submit that plaintiff would in fact benefit from such an Order, given that he would first have an opportunity to negotiate a settlement of both cases and then, should the cases not settle, he would only have to appear for one deposition. Therefore, it is respectfully requested that the Court extend discovery in this action from March 21, 2011, until April 15, 2011 and consolidate the above-referenced actions for the sole purpose of conducting plaintiff's deposition.

Thank you for your attention to this matter.

Respectfully Submitted,



Ryan G. Shaffer
Assistant Corporation Counsel

Cc: Alvin Peterson (By First Class Mail)
Plaintiff Pro Se

Honorable Shira A. Scheindlin (By Fax (212) 805-0473)
United States District Judge

(1) + (2) above are ordered. At this point, the Court does not believe it necessary to "consolidate" these actions. The deponent may address both incidents. Pre-motion conference waived. File summary judgment motion by May 15, 2011

¹ As an additional matter, because this action has been referred to Your Honor for a report and recommendation on any potentially dispositive motions, defendants request that a pre-motion conference be requested in accordance with Your Honor's individual rules on or before May 15, 2011.

SO ORDERED: DATE: 3/4/2011

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE